

Serial No. 10/789,450
Amdt. dated January 20, 2005
Reply to Office Action of October 25, 2004

REMARKS

Responsive to the sixteen way Restriction requirement of October 25, 2004, the applicants hereby elect Group I (Claims 1-10 drawn to DNA, host cells and expression of protein disulfide isomerase of SEQ ID NO:1).

Reconsideration and withdrawal of the restriction requirement are respectfully requested. "If the members of the Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the examiner must examine all of the members of the Markush group in the claim on the merits, even though they are directed to independent and distinct inventions" (MPEP § 803.02) (emphasis added). The Office Action contains no statement regarding the existence of any burden, thus; the restriction is improper and should be withdrawn.

Applicants note that Groups identified by the Office are clustered into approximately four larger groups (*e.g.*, a larger group includes Groups V-VII, which are all based on a single claim), each of these larger groups being based on a restriction of the elements in a Markush group. Since restriction within a Markush group, having sufficiently few members, is improper and no serious burden has been asserted, the restriction should be withdrawn. Reconsideration and withdrawal are respectfully requested.

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CONCLUSION

Should questions remain after consideration of the remarks herein that may be resolved by a telephone conference, the Office is invited to contact the applicants' representative at the number provided herein.

Respectfully submitted,



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